

35 U.S.C. § 102 Rejections

Claims 1, 3 - 10, and 13 - 28

In the office action, the Examiner rejected claims 1, 3 - 10, and 13 - 28 as being anticipated by Emery. The Applicant respectfully disagrees. Claim 1 recites a system for providing integrated control of at least one communication service provided by at least one communication service provider comprising at least one integrated services controller (“ISC”) in which the ISC is further configured to provide centralized prioritized processing for the one or more messages exchanged with the other system entities through use of intelligent prioritization rules. The Examiner states that “Emery discloses that at least one ISC is further configured to provide centralized prioritized processing for the one or more messages exchanged with the other system entities through use of intelligent prioritization rules”. The Applicant respectfully disagrees because, among other reasons, Emery does not teach processing of an ISC. In the passage in column 18 of Emery referenced by the Examiner, Emery discloses a PCS handset registration process that allows the mobile PCS handset to register with a PCS microcell controller as opposed to a cellular mobile controller in the same area. In other words, the prioritized registration process that Emery teaches is related to registration for mobility controllers, not the processing of an ISC.

The Examiner also points to column 19 of Emery to show that the centralized prioritized processing of the one or more messages is performed through the use of intelligent prioritization rules. The Applicant respectfully rejects this premise because, among other reasons, there is no mention of any rule, instruction, or other means for intelligent prioritization. As defined in the Applicant’s specification, an intelligent prioritization rule “determines how the ISC dispatches a message”. See page 26, lines 16 and 17. In column 19, Emery states that an “ISCP will respond very much in the same way that a mobility controller having a normal cellular subscribers each HLR would respond.” Without the mention of any other form of instruction, the Applicant fails to see where an intelligent prioritization rule is taught.

Again, the Applicant claims an ISC that is further configured to provide centralized prioritized processing for one or more messages exchanged with the other system entities through

use of intelligent prioritization rules. The Applicant maintains that Emery does not teach such centralized prioritized processing by the ISC; nor does Emery teach intelligent prioritization rules. Since Emery does not teach that which the Applicant claims, the Applicant maintains that claim 1 is in condition for allowance. Accordingly, the Applicant respectfully requests reconsideration and allowance of claim 1.

While claims 3 - 28 depend from independent claim 1 and inherit all of the novel and nonobvious features of the independent claim, these claims include additional features that further distinguish from Emery. For example, claim 10 recites that the system entities may include at least one of a Transport Association Controller ("TAC"), Association State Manager ("ASM"), and Message Broker ("MB"). The Examiner states that Emery discloses such in column 13, lines 56 - 67. Of the components listed here in Emery (e.g., Service Management System, "SMS"; a Data and Reporting System, "DRS"; Service Control Point, "SCP"; and a Service Creation Environment, "SCE"), none of these remotely resembles the TAC, the ASM, and/or the MB.

Emery states that the SCP is essentially a central data base. *See* column 2, line 52 of Emery. Emery states that the SCE is a terminal subsystem for programming the data base in the SCP. *See* column 13, lines 16 - 63 of Emery. Emery does not even define the SMS or the DRS. The Applicant assumes that these are not defined in any of the parent cases of Emery either because Emery is the result of a divisional and therefore should have the same specification as the parent. Having no definition, Applicants can only turn to Newton's Telecom dictionary as a reasonable source for such terms. Newton's refers to an SMS as an operation support system used to facilitate the provisioning and administration of service data required by the SCP.

Conversely, TAC incorporates a transport control layer that defines a communication state model. The transport control layer includes transport control channels for communicating to a network such as Public Switched Telephone Networks ("PSTN"), optical switching networks, the Internet, and local area networks ("LAN"). *See* page 10, lines 9 - 18. The ASM provides a state model for controlling a specific transport association as well as managing the relationship between a Transport Channel ("TC"), a Transport Channel Access Bridge ("TCAB"), and an Access Portal ("AP"). *See* page 23, lines 20 - 23. The MB may use a customer classification as criteria to determine the order to relay messages it receives on to other

system entities. It is clear that the Examiner has a fundamental misunderstanding of the Applicant's claims and/or Emery because, as one example, the Examiner asserts that transport control for communicating to a network such as a PSTN is analogous to anything that Emery teaches in column 13, lines 16 – 63 (i.e., SCP, SCE, SMS, or DRS).

The Applicant reminds the Examiner that after an application has been read and the claimed invention *understood*, a prior art search for the claimed invention is made. With the results of the prior art search, including any references provided by the Applicant, the patent application should be reviewed and analyzed in conjunction with the state of the prior art to determine whether the claims define a useful, novel, nonobvious, and enabled invention that has been clearly described in the specification. The goal of examination is to *clearly* articulate any rejection early in the prosecution process so that the Applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. *See* MPEP § 706. This goal must certainly be something more than picking and choosing acronyms from a prior art reference and then simply reciting back the Applicant's claim in the form of a rejection as if the Applicant did not understand what he had claimed in the first place. Moreover, Emery's acronyms do not even reasonably correspond to the Applicant's terms.

Another example of where the Examiner has a fundamental misunderstanding of the Applicant's claims resides in claim 15 where the Applicant recites the profile scheme that defines a visibility attribute settable by the at least one communication service providing at least one level of visibility setting that defines whether the service specific fields for the service are visible to other services when merged by the at least one ISC. Nowhere does Emery teach a visibility attribute that is settable (e.g., reconfigurable) by a communication service. To illustrate the Examiner's misunderstanding of the Applicant's claims, Emery teaches subscriber files being stored on an ISCP that can be programmed to provide service features on outgoing calls. This however does not relate to making visible subscriber information *between communication services* because, among other reasons, there is no mention of at least one service viewing what another service views. Since Emery does not teach that which the Applicant claims in claim 15, the Applicant maintains that claim 15 is in condition for allowance and respectfully requests such disposition.

Other similarly rationalized rejections are found throughout the Examiner's office action. For example, in claim 17, the Applicant recites a child ISC modifiability attribute for each of the at least one master key field and each of the at least one service specific fields settable by at least one of a customer or the service wherein if defined establishes a default setting of modifiability for the field by other child ISCs related to the at least one ISC. The Examiner states that such is taught in column 18, lines 14 - 21 and column 9, lines 17 - 27 of Emery. The Applicant respectfully disagrees because, among other reasons, Emery does not even imply a parent/child relationship among ISCs (e.g., no "control" terms like master, slave, parent, or child exist in Emery). Since Emery does not teach that which the Applicant claims in claim 17, the Applicant maintains that claim 17 is in condition for allowance and respectfully requests such disposition.

In claim 19, the Applicant recites that at least one ISC is further configured to automatically merge shared master key fields of the service profile from each of the at least one communication services and append corresponding service specific fields from each of the at least one communication services into a merged multi-service profile ("MMSP"). The Examiner points to column 21, lines 21 - 35 of Emery to support the Examiner's rejection. Here, Emery teaches a service graph that is similar to a flow chart for controlling further processing of an incoming call based on certain conditions of a current call. *See* column 21, lines 22 - 24 of Emery. Assuming, for the sake of argument, that the service graph is similar to a service profile, Emery does not teach merging anything, let alone merging shared master key fields to form an MMSP. Accordingly, Emery does not teach that which the Applicant claims. Since Emery does not teach that which the Applicant claims in claim 19, the Applicant maintains that claim 19 is in condition for allowance and respectfully requests such disposition.

In claim 23, the Applicant recites the master ISC may restrict access to the at least one or more messages and capabilities of the remote ISC. The Examiner states that such is taught in column 27, lines 1 - 20 of Emery. The Applicant respectfully disagrees because, among other reasons, Emery does not teach any type of master ISC. Regardless, Emery does not teach restricting access of a remote ISC. Rather, Emery teaches a home region ISCP, in response to a query, retrieving a subscriber's file and forwarding the file data to the ISCP in the visited region. Such appears to be paramount to granting full access to a remote ISC. Since Emery does not

teach that which the Applicant claims in claim 23, the Applicant maintains that claim 23 is in condition for allowance and respectfully requests such disposition.

In claim 24 the Applicant recites a plurality of the at least one ISCs may be configured as peer ISCs. The Examiner states that Emery discloses such *again* in the rather small section of column 13, lines 56 - 67. The Applicant respectfully disagrees because, among other reasons, Emery does not mention operability of an ISC, such as peer functionality. Rather, Emery merely teaches components in which an ISCP may be configured. Nowhere, however, does Emery mention or even imply the functionality of a peer as the Applicant explicitly claims. Since Emery does not teach that which the Applicant claims in claim 24, the Applicant maintains that claim 24 is in condition for allowance and respectfully requests such disposition.

Ironically, the Examiner also rejects claim 25 using the same small section of column 13, lines 56 - 67 of Emery only now expanded through column 14, *lines 1 and 2*. In claim 25, the Applicant recites one of the at least one ISCs may be configured as a stand-alone ISC with any hierarchy of the at least one ISCs. Again, the Applicant respectfully disagrees because, among other reasons, Emery does not mention operability of an ISC, such as a stand-alone functionality. In the Examiner's expanded reference, Emery merely teaches that an ISCP 50 may not be an integrated system and may for example only include a database similar to that of a component of ISCP 40 (i.e., SCP 43). Since Emery does not teach that which the Applicant claims in claim 25, the Applicant maintains that claim 25 is in condition for allowance and respectfully requests such disposition.

Claims 29, 31 - 38, and 41 - 56

In the office action, the Examiner rejected claim 29 as being anticipated by Emery; the Applicant respectfully disagrees. In the Examiner's rejection of claim 29, the Examiner provided the same reasons for the rejection recited in the rejection of claim 1. Since the language of claim 29 is nearly identical to that of claim 1, the arguments made in favor patentability for claim 1 apply herein as well with all differences being considered. While claims 31 - 56 depend from independent claim 29 and inherit all of the novel and nonobvious features of the independent claim, these claims include additional features that further distinguish from Emery. Examples of such features are included in claims 38, 43, 45, 47, and 51 - 53. These claims recite essentially

the same language as claims 10, 15, 17, 19, and 23 - 25. Accordingly, the arguments that applied to claims 10, 15, 17, 19, and 23 - 25 respectively apply herein as well. The Applicant maintains that claims 38, 43, 45, 47, and 51 – 53 are in condition for allowance and respectfully requests such disposition.

35 U.S.C. § 103 Rejections

Claims 11, 12, 39, and 40

In the office action, the Examiner rejected claims 11, 12, 39 and 40 as being unpatentable over Emery in view of Lawson. The Applicant respectfully disagrees. In addition to that required by claim 1, claim 11 recites that at least one ISC is further configured to receive an event registration list (“ERL”) defining one or more events for each communication service registering a notification interest in such events by the communication service. At least one ISC is further configured to relay the ERL for each communication service to one or more system entities. The Examiner states that Emery discloses “registering interest lists and relaying that list to other system entities, but does not explicitly indicate that the interest list is based on events.” The Applicant agrees that Emery does not teach an ERL, but neither does Emery teach or reasonably suggest registration and relay of an interest list to other system entities.

Although the Examiner states that Emery discloses registering an interest list and relaying that list, the Examiner fails to specifically identify where in Emery such registration and relaying of a list is disclosed. The Applicant reminds the Examiner that to establish a *prima facie* case of obviousness, the Examiner must show that all of the claim elements are taught by the prior art. MPEP § 2142. While the Examiner has failed to show where Emery teaches the Applicant’s claim elements, the Applicant has reviewed Emery and maintains that Emery does not disclose such registration and relaying of a list as the Applicant claims. Lawson, however, adds nothing to Emery to teach that which the Applicant claims.

The Examiner states that it would have been obvious to include Lawson’s teaching of an event registration list in Emery’s system in order to receive notices from a system, ***but only those notices that a user is interested in receiving***. Assuming, for the sake of argument, such is accurate, that is not what the Applicant claims. Again, the Applicant claims one or more events for each communication service registering a notification interest in such events by the

communication service. The Applicant does not claim a list that a user is interested in receiving. Again, it appears that the Examiner does not understand the Applicant's claims because of the Examiner's mischaracterization of the Applicant's claims.

Regardless, Lawson is not even analogous art. For example, Lawson teaches event notification and distribution between computer systems (*see e.g.*, column 1, lines 14 – 17 of Lawson) whereas Emery teaches interfacing capabilities of a landline telephone system with a radio link communication system such that a user may send and receive calls from a single handset whether at home or roaming (*see e.g.*, column 1, lines 12-13 of Emery). Although Lawson and Emery may both inevitably use a computer to implement certain functional aspects of their respective systems, such does not mean that the two systems are related. In fact, Lawson doesn't even use words relating to telephony, such as telephony, telephone, handset, mobile, cell, or cellular.

Simply stating that one skilled in the art would be motivated to combine two references without something more than the Examiner's indication that the combination would be better is not evidence of motivation or reasonable suggestion to combine references. The Applicant reminds the Examiner that the motivation, teaching, and/or reasonable suggestion must be found in the prior art references themselves, the nature of the problem to be solved, or in the knowledge generally available to one of ordinary skill in the art. MPEP § 2143.01. Additionally, that knowledge must be generally available at the time the invention was made; otherwise, the Examiner impermissibly employs hindsight as his rationale for making a rejection. MPEP § 2145.

In Lawson, the Examiner references column 2, lines 50 - 67 to state that such motivation is taught. Here, Lawson teaches that events of prior art event notification systems tend to be broadcast events resulting in a "large number of event notifications that are of little or no interest to the event *consumer*." Although that is not what the Applicant claims, such a reference does not indicate that it should be combined with the *telephony system* of Emery. While the Applicant maintains that the required claim elements are not taught by the combination of Emery and Lawson, the Applicant further maintains that the Examiner's combination is based on hindsight and non analogous art.